



Senate

General Assembly

File No. 582

January Session, 2001

Substitute Senate Bill No. 1377

Senate, May 3, 2001

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING CHANGES TO DEPARTMENT OF PUBLIC SAFETY STATUTES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 29-5f of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 Notwithstanding the provisions of chapter 67, the Commissioner of
4 Public Safety, consistent with budgetary allotments, may (1) promote
5 two state [policemen] police officers to the rank of sergeant to serve in
6 the position of commissioner's aide, [and] (2) upon the request of the
7 Governor, promote two state [policemen] police officers to the rank of
8 sergeant to serve in the position of Governor's chauffeur-bodyguard,
9 and (3) upon the request of the Lieutenant Governor, promote a state
10 police officer to the rank of sergeant to serve in the position of
11 Lieutenant Governor's chauffeur-bodyguard. Such [policemen] police
12 officers appointed to the position of commissioner's aide shall retain
13 the rank of sergeant after the commissioner's term of office expires or

14 upon the commissioner's removal, resignation or failure to complete
15 [his] the term of office until such [policemen] police officers have the
16 opportunity to qualify at the examination given for the position of
17 sergeant following the conclusion of such assignment. Such
18 [policemen] police officers appointed to the position of Governor's
19 chauffeur-bodyguard or Lieutenant Governor's chauffeur-bodyguard
20 shall serve at the pleasure of the Governor or Lieutenant Governor,
21 respectively, and shall retain the rank of sergeant upon conclusion of
22 such assignment until such [policemen] police officers have the
23 opportunity to qualify at the examination given for the position of
24 sergeant following the conclusion of such assignment. In the event any
25 such [policeman] police officer does not qualify for promotion to the
26 rank of sergeant, [he] such officer shall return to [his] such officer's
27 permanent civil service rank. Any such promotion of any state
28 [policeman] police officer by the Commissioner of Public Safety or by
29 the Commissioner of State Police prior to November 1, 1990, is
30 validated and such [policeman] police officer shall retain the rank held
31 during such assignment.

32 Sec. 2. Subsection (b) of section 46b-38d of the general statutes is
33 repealed and the following is substituted in lieu thereof:

34 (b) Each police department, including resident troopers and
35 constables, shall report all family violence incidents where an arrest
36 occurs or in which a person commits suicide to the Commissioner of
37 Public Safety, who shall compile statistics of family violence crimes
38 and cause them to be published annually in the Connecticut Uniform
39 Crime Reports. An offense shall be counted for each incident reported
40 to the police. A zero shall be reported if no incidents have occurred
41 during the reporting periods.

42 Sec. 3. Subsection (a) of section 54-102g of the general statutes is
43 repealed and the following is substituted in lieu thereof:

44 (a) Any person who, [is] at any time, has been convicted of a

45 criminal offense against a victim who is a minor, a nonviolent sexual
46 offense or a sexually violent offense, as those terms are defined in
47 section 54-250, as amended by this act, or of a felony found by the
48 sentencing court to have been committed for a sexual purpose as
49 provided in section 54-254, as amended by this act, and is [sentenced
50 to] in the custody of the Commissioner of Correction shall, at any time
51 prior to release from custody, have a sample of such person's blood
52 taken for DNA (deoxyribonucleic acid) analysis to determine
53 identification characteristics specific to the person.

54 Sec. 4. Section 54-250 of the general statutes is repealed and the
55 following is substituted in lieu thereof:

56 For the purposes of sections 54-102g, as amended by this act, and
57 54-250 to 54-259, inclusive, as amended by this act:

58 (1) "Conviction" means a judgment entered by a court upon a plea of
59 guilty, a plea of nolo contendere or a finding of guilty by a jury or the
60 court notwithstanding any pending appeal or habeas corpus
61 proceeding arising from such judgment.

62 (2) "Criminal offense against a victim who is a minor" means (A) a
63 violation of subdivision (2) of section 53-21, subdivision (2) of
64 subsection (a) of section 53a-70, subdivision (1), (4) or (8) of subsection
65 (a) of section 53a-71, subdivision (2) of subsection (a) of section
66 53a-72a, subdivision (2) of subsection (a) of section 53a-86, subdivision
67 (2) of subsection (a) of section 53a-87, section 53a-196a, 53a-196b, 53a-
68 196c or 53a-196d, (B) a violation of section 53a-92, 53a-92a, 53a-94,
69 53a-94a, 53a-95, 53a-96 or 53a-186, provided the court makes a finding
70 that, at the time of the offense, the victim was under eighteen years of
71 age, (C) a violation of any of the offenses specified in subparagraph (A)
72 or (B) of this subdivision for which a person is criminally liable under
73 section 53a-8, 53a-48 or 53a-49, or (D) a violation of any predecessor
74 statute to any offense specified in subparagraph (A), (B) or (C) of this
75 subdivision the essential elements of which are substantially the same

76 as said offense.

77 (3) "Identifying factors" means fingerprints, a photographic image,
78 and a description of any other identifying characteristics as may be
79 required by the Commissioner of Public Safety. The commissioner
80 shall also require a sample of the registrant's blood taken for DNA
81 (deoxyribonucleic acid) analysis, unless such sample has been
82 previously obtained in accordance with section 54-102g, as amended
83 by this act.

84 (4) "Mental abnormality" means a congenital or acquired condition
85 of a person that affects the emotional or volitional capacity of the
86 person in a manner that predisposes that person to the commission of
87 criminal sexual acts to a degree that makes the person a menace to the
88 health and safety of other persons.

89 (5) "Nonviolent sexual offense" means a violation of section 53a-73a.

90 (6) "Not guilty by reason of mental disease or defect" means a
91 finding by a court or jury of not guilty by reason of mental disease or
92 defect pursuant to section 53a-13 notwithstanding any pending appeal
93 or habeas corpus proceeding arising from such finding.

94 (7) "Personality disorder" means a condition as defined in the most
95 recent edition of the Diagnostic and Statistical Manual of Mental
96 Disorders, published by the American Psychiatric Association.

97 (8) "Registrant" means a person required to register under section
98 54-251, as amended by this act, 54-252, as amended by this act, 54-253,
99 as amended by this act, or 54-254, as amended by this act.

100 (9) "Registry" means a central record system in this state, any other
101 state or the federal government that receives, maintains and
102 disseminates information on persons convicted or found not guilty by
103 reason of mental disease or defect of criminal offenses against victims
104 who are minors, nonviolent sexual offenses, sexually violent offenses

105 and felonies found by the sentencing court to have been committed for
106 a sexual purpose.

107 (10) "Release into the community" means, with respect to a
108 conviction or a finding of not guilty by reason of mental disease or
109 defect of a criminal offense against a victim who is a minor, a
110 nonviolent sexual offense, a sexually violent offense or a felony found
111 by the sentencing court to have been committed for a sexual purpose,
112 (A) any release by a court after such conviction or finding of not guilty
113 by reason of mental disease or defect, a sentence of probation or any
114 other sentence under section 53a-28 that does not result in the
115 offender's immediate placement in the custody of the Commissioner of
116 Correction; (B) release from a correctional facility at the discretion of
117 the Board of Parole, by the Department of Correction to a program
118 authorized by section 18-100c or upon completion of the maximum
119 term or terms of the offender's sentence or sentences, or to the
120 supervision of the Office of Adult Probation in accordance with the
121 terms of the offender's sentence; or (C) release from a hospital for
122 mental illness or a facility for persons with mental retardation by the
123 Psychiatric Security Review Board on conditional release pursuant to
124 section 17a-588 or upon termination of commitment to the Psychiatric
125 Security Review Board.

126 (11) "Sexually violent offense" means (A) a violation of section
127 53a-70, except subdivision (2) of subsection (a) of said section, 53a-70a,
128 53a-70b, 53a-71, except subdivision (1), (4) or (8) of subsection (a) of
129 said section, 53a-72a, except subdivision (2) of subsection (a) of said
130 section, or 53a-72b, or of section 53a-92 or 53a-92a, provided the court
131 makes a finding that the offense was committed with intent to sexually
132 violate or abuse the victim, (B) a violation of any of the offenses
133 specified in subparagraph (A) of this subdivision for which a person is
134 criminally liable under section 53a-8, 53a-48 or 53a-49, or (C) a
135 violation of any predecessor statute to any of the offenses specified in
136 subparagraph (A) or (B) of this subdivision the essential elements of

137 which are substantially the same as said offense.

138 (12) "Sexual purpose" means that a purpose of the defendant in
139 committing the felony was to engage in sexual contact or sexual
140 intercourse with another person without that person's consent. A
141 sexual purpose need not be the sole purpose of the commission of the
142 felony. The sexual purpose may arise at any time in the course of the
143 commission of the felony.

144 (13) "Employed" or "carries on a vocation" means employment that
145 is full-time or part-time for more than fourteen days, or for a total
146 period of time of more than thirty days during any calendar year,
147 whether financially compensated, volunteered or for the purpose of
148 government or educational benefit.

149 (14) "Student" means a person who is enrolled on a full-time or part-
150 time basis, in any public or private educational institution, including
151 any secondary school, trade or professional institution or institution of
152 higher learning.

153 Sec. 5. Section 54-251 of the general statutes is repealed and the
154 following is substituted in lieu thereof:

155 (a) Any person who has been convicted or found not guilty by
156 reason of mental disease or defect of a criminal offense against a victim
157 who is a minor or a nonviolent sexual offense, and is released into the
158 community on or after October 1, 1998, shall, within three days
159 following such release, except for any person in the custody of the
160 Commissioner of Correction, which person shall, at any time prior to
161 release, and whether or not such person's place of residence is in this
162 state, register such person's name, identifying factors, criminal history
163 record and residence address with the Commissioner of Public Safety,
164 on such forms and in such locations as the commissioner shall direct,
165 and shall maintain such registration for ten years except that any
166 person who has one or more prior convictions of any such offense or

167 who is convicted of a violation of subdivision (2) of subsection (a) of
168 section 53a-70 shall maintain such registration for life. Prior to
169 accepting a plea of guilty or nolo contendere from a person with
170 respect to a criminal offense against a victim who is a minor or a
171 nonviolent sexual offense, the court shall (1) inform the person that the
172 entry of a finding of guilty after acceptance of the plea will subject the
173 person to the registration requirements of this section, and (2)
174 determine that the person fully understands the consequences of the
175 plea. If such person changes such person's address such person shall,
176 within five days, register the new address in writing with the
177 Commissioner of Public Safety, and, if the new address is in another
178 state, such person shall also register with an appropriate agency in that
179 state, provided that state has a registration requirement for such
180 offenders. If any person who is subject to registration under this
181 section [regularly travels into or within another state or temporarily
182 resides in another state for purposes including, but not limited to
183 employment or schooling] is employed in another state, carries on a
184 vocation in another state or is a student in another state, such person
185 shall notify the Commissioner of Public Safety and shall also register
186 with an appropriate agency in that state provided that state has a
187 registration requirement for such offenders. During such period of
188 registration, each registrant shall complete and return forms mailed to
189 such registrant to verify such registrant's residence address and shall
190 submit to the retaking of a photographic image upon request of the
191 Commissioner of Public Safety.

192 (b) Notwithstanding the provisions of subsection (a) of this section,
193 the court may exempt any person who has been convicted or found
194 not guilty by reason of mental disease or defect of a violation of
195 subdivision (1) of subsection (a) of section 53a-71 or subdivision (2) of
196 subsection (a) of section 53a-72a from the registration requirements of
197 this section if the court finds that such person was under nineteen
198 years of age at the time of the offense and that registration is not
199 required for public safety.

200 (c) Notwithstanding the provisions of subsection (a) of this section,
201 the court may exempt any person who has been convicted or found
202 not guilty by reason of mental disease or defect of a violation of
203 subdivision (2) of subsection (a) of section 53a-73a from the
204 registration requirements of this section if the court finds that
205 registration is not required for public safety.

206 (d) Any person who violates the provisions of this section shall be
207 guilty of a class D felony.

208 Sec. 6. Subsection (a) of section 54-252 of the general statutes is
209 repealed and the following is substituted in lieu thereof:

210 (a) Any person who has been convicted or found not guilty by
211 reason of mental disease or defect of a sexually violent offense, and (1)
212 is released into the community on or after October 1, 1988, and prior to
213 October 1, 1998, and resides in this state, shall, on October 1, 1998, or
214 within three days of residing in this state, whichever is later, or (2) is
215 released into the community on or after October 1, 1998, shall, within
216 three days following such release, except for any person in the custody
217 of the Commissioner of Correction, which person shall, at any time
218 prior to release, register such person's name, identifying factors,
219 criminal history record, documentation of any treatment received for
220 mental abnormality or personality disorder, and residence address
221 with the Commissioner of Public Safety on such forms and in such
222 locations as said commissioner shall direct, and shall maintain such
223 registration for life. Prior to accepting a plea of guilty or nolo
224 contendere from a person with respect to a sexually violent offense, the
225 court shall (A) inform the person that the entry of a finding of guilty
226 after acceptance of the plea will subject the person to the registration
227 requirements of this section, and (B) determine that the person fully
228 understands the consequences of the plea. If such person changes such
229 person's address such person shall, within five days, register the new
230 address in writing with the Commissioner of Public Safety, and, if the

231 new address is in another state, such person shall also register with an
232 appropriate agency in that state, provided that state has a registration
233 requirement for such offenders. If any person who is subject to
234 registration under this section [regularly travels into or within another
235 state or temporarily resides in another state for purposes including,
236 but not limited to employment or schooling] is employed in another
237 state, carries on a vocation in another state or is a student in another
238 state, such person shall notify the Commissioner of Public Safety and
239 shall also register with an appropriate agency in that state, provided
240 that state has a registration requirement for such offenders. During
241 such period of registration, each registrant shall complete and return
242 forms mailed to such registrant to verify such registrant's residence
243 address and shall submit to the retaking of a photographic image upon
244 request of the Commissioner of Public Safety.

245 Sec. 7. Section 54-253 of the general statutes is repealed and the
246 following is substituted in lieu thereof:

247 (a) Any person who has been convicted or found not guilty by
248 reason of mental disease or defect in any other state, in a federal or
249 military court or in any foreign jurisdiction of any crime [, the essential
250 elements of which are substantially the same as any of the crimes
251 specified in subdivisions (2), (5) and (11) of section 54-250] that would
252 require registration in such other state, or federal or military court or
253 foreign jurisdiction, and who resides in this state on and after October
254 1, 1998, shall, within ten days of residing in this state, register with the
255 Commissioner of Public Safety [in the same manner as if such person
256 had been convicted or found not guilty by reason of mental disease or
257 defect of such crime in this state, except that for purposes of
258 determining the ten-year period of registration under section 54-251
259 such person shall be deemed to have initially registered on the date of
260 such person's release into the community in such other state, federal or
261 military system or foreign jurisdiction] in the manner provided in this
262 chapter. The commissioner shall maintain such registration until such

263 person is released from the registration requirements in such other
264 state, federal or military court or foreign jurisdiction.

265 (b) Any person not a resident of this state who is registered as a
266 sexual offender under the laws of any other state and who [regularly
267 travels into or within this state or temporarily resides in this state for
268 purposes including, but not limited to employment or schooling] is
269 employed in this state, carries on a vocation in this state or is a student
270 in this state, shall, within three days after the commencement of such
271 travel or residence in this state, register such person's name,
272 identifying factors, criminal history record, locations visited on a
273 recurring basis or residence address, if any, in this state, and residence
274 address in such person's home state with the Commissioner of Public
275 Safety on such forms and in such locations as said commissioner shall
276 direct and shall maintain such registration until such [travel or
277 residence] employment, vocation or education terminates or until such
278 person is released from registration as a sexual offender in such other
279 state. If such person terminates such person's [travel or residence]
280 employment, vocation or education in this state or changes such
281 person's address in this state such person shall, within five days,
282 provide notice in writing to the Commissioner of Public Safety.

283 (c) Any person who violates the provisions of this section shall be
284 guilty of a class D felony.

285 Sec. 8. Section 54-254 of the general statutes is repealed and the
286 following is substituted in lieu thereof:

287 (a) Any person who has been convicted or found not guilty by
288 reason of mental disease or defect in this state on or after October 1,
289 1998, of any felony that the court finds was committed for a sexual
290 purpose, may be required by the court upon release into the
291 community, or, in the case of a person who is in the custody of the
292 Commissioner of Correction, at any time prior to release, to register
293 such person's name, identifying factors, criminal history record and

294 residence address with the Commissioner of Public Safety, on such
295 forms and in such locations as the commissioner shall direct, and to
296 maintain such registration for ten years. If the court finds that a person
297 has committed a felony for a sexual purpose and intends to require
298 such person to register under this section, prior to accepting a plea of
299 guilty or nolo contendere from such person with respect to such
300 felony, the court shall (1) inform the person that the entry of a finding
301 of guilty after acceptance of the plea will subject the person to the
302 registration requirements of this section, and (2) determine that the
303 person fully understands the consequences of the plea. If such person
304 changes such person's address such person shall, within five days,
305 register the new address in writing with the Commissioner of Public
306 Safety, and, if the new address is in another state, such person shall
307 also register with an appropriate agency in that state, provided that
308 state has a registration requirement for such offenders. If any person
309 who is subject to registration under this section [regularly travels into
310 or within another state or temporarily resides in another state for
311 purposes including, but not limited to employment or schooling] is
312 employed in another state, carries on a vocation in another state or is a
313 student in another state, such person shall notify the Commissioner of
314 Public Safety and shall also register with an appropriate agency in that
315 state, provided that state has a registration requirement for such
316 offenders. During such period of registration, each registrant shall
317 complete and return forms mailed to such registrant to verify such
318 registrant's residence address and shall submit to the retaking of a
319 photographic image upon request of the Commissioner of Public
320 Safety.

321 (b) Any person who violates the provisions of this section shall be
322 guilty of a class D felony.

323 Sec. 9. Section 54-256 of the general statutes is repealed and the
324 following is substituted in lieu thereof:

325 Any court, the Commissioner of Correction or the Psychiatric
326 Security Review Board, prior to releasing into the community any
327 person convicted or found not guilty by reason of mental disease or
328 defect of a criminal offense against a victim who is a minor, a
329 nonviolent sexual offense, a sexually violent offense or a felony found
330 by the sentencing court to have been committed for a sexual purpose,
331 except a person being released unconditionally at the conclusion of
332 such person's sentence or commitment, shall require as a condition of
333 such release that such person complete the registration procedure
334 established by the Commissioner of Public Safety under sections
335 54-251, as amended by this act, 54-252, as amended by this act, and
336 54-254, as amended by this act. The court, the Commissioner of
337 Correction or the Psychiatric Security Review Board, as the case may
338 be, shall provide the person with a written summary of the person's
339 obligations under sections 54-102g, as amended by this act, and 54-250
340 to 54-259, inclusive, as amended by this act, and transmit the
341 completed registration package to the Commissioner of Public Safety
342 who shall enter the information into the registry established under
343 section 54-257, as amended by this act. If a court transmits the
344 completed registration package to the Commissioner of Public Safety
345 with respect to a person released by the court, such package need not
346 include identifying factors for such person. In the case of a person
347 being released unconditionally who declines to complete the
348 registration package through the court or the releasing agency, the
349 court or agency shall: (1) Except with respect to information that is not
350 available to the public pursuant to court order, rule of court or any
351 provision of the general statutes, provide to the Commissioner of
352 Public Safety the person's name, date of release into the community,
353 anticipated residence address, if known, criminal history record, any
354 known treatment history and any other relevant information; (2)
355 inform the person that such person has an obligation to register within
356 three days with the Commissioner of Public Safety for a period of ten
357 years following the date of such person's release or for life, as the case

358 may be, and that if such person changes such person's address such
359 person shall within five days register the new address in writing with
360 the Commissioner of Public Safety and, if the new address is in
361 another state or if such person [regularly travels into or within another
362 state or temporarily resides in another state for purposes including,
363 but not limited to employment or schooling] is employed in another
364 state, carries on a vocation in another state or is a student in another
365 state, such person shall also register with an appropriate agency in that
366 state, provided that state has a registration requirement for such
367 offenders; (3) provide the person with a written summary of the
368 person's obligations under sections 54-102g, as amended by this act,
369 and 54-250 to 54-259, inclusive, as amended by this act, as explained to
370 the person under subdivision (2) of this section; and (4) make a specific
371 notation on the record maintained by that agency with respect to such
372 person that the registration requirements were explained to such
373 person and that such person was provided with a written summary of
374 such person's obligations under sections 54-102g, as amended by this
375 act, and 54-250 to 54-259, inclusive, as amended by this act.

376 Sec. 10. Subsection (c) of section 54-257 of the general statutes is
377 repealed and the following is substituted in lieu thereof:

378 (c) Except as provided in subsection (b) of this section, the
379 Department of Public Safety shall verify the address of each registrant
380 by mailing a nonforwardable verification form to the registrant at the
381 registrant's last reported address. Such form shall require the registrant
382 to sign a statement that the registrant continues to reside at the
383 registrant's last reported address and return the form by mail by a date
384 which is ten days after the date such form was mailed to the registrant.
385 The form shall contain a statement that failure to return the form or
386 providing false information is a violation of section 54-251, as
387 amended by this act, 54-252, as amended by this act, 54-253, as
388 amended by this act, or 54-254, as amended by this act, as the case may
389 be. Each person required to register under section 54-251, as amended

390 by this act, 54-252, as amended by this act, 54-253, as amended by this
391 act, or 54-254, as amended by this act, shall have such person's address
392 verified in such manner [annually on the anniversary of such person's
393 initial registration date. Each person required to register under section
394 54-252 shall have such person's address verified in such manner every
395 ninety days after such person's initial registration date. Each person
396 required to register under section 54-253 shall have such person's
397 address verified in such manner either annually on the anniversary of
398 such person's initial registration date or every ninety days after such
399 person's initial registration date depending upon whether, after such
400 initial registration, such person is subject to the requirements of section
401 54-251 or section 54-252, respectively] every ninety days after such
402 person's initial registration date. In the event that a registrant fails to
403 return the address verification form, the Department of Public Safety
404 shall notify the local police department or the state police troop having
405 jurisdiction over the registrant's last reported address, and that agency
406 shall apply for a warrant to be issued for the registrant's arrest under
407 section 54-251, as amended by this act, 54-252, as amended by this act,
408 54-253, as amended by this act, or 54-254, as amended by this act, as
409 the case may be. The Department of Public Safety shall not verify the
410 address of registrants whose last reported address was outside this
411 state.

412 Sec. 11. Subsection (b) of section 54-258 of the general statutes is
413 repealed and the following is substituted in lieu thereof:

414 [(b) Neither the state nor any political subdivision of the state nor
415 any officer or employee thereof, shall be held civilly liable to any
416 registrant by reason of disclosure of any information regarding the
417 registrant that is released or disclosed in accordance with subsection
418 (a) of this section. The state and any political subdivision of the state
419 and, except in cases of wanton, reckless or malicious conduct, any
420 officer or employee thereof, shall be immune from liability for good
421 faith conduct in carrying out the provisions of subdivision (2) of

422 subsection (a) of this section.]

423 **(b)** Neither the state nor any political subdivision of the state, nor,
424 except in cases of wanton, reckless or malicious conduct, any officer or
425 employee thereof shall be held civilly liable for acts or omissions in
426 carrying out the provisions of this chapter or of sections 54-102g to 54-
427 102l, inclusive, as amended by this act.

428 Sec. 12. (NEW) The Commissioner of Correction shall require any
429 person convicted of a criminal offense against a victim who is a minor,
430 a nonviolent sexual offense, a sexually violent offense or a felony
431 found by the sentencing court to have been committed for a sexual
432 purpose and who is in the custody of the Commissioner of Correction
433 for any reason, to register, and such person shall maintain such
434 registration in accordance with the procedures established by the
435 Commissioner of Public Safety under section 54-251 of the general
436 statutes, as amended by this act, 54-252 of the general statutes, as
437 amended by this act, or 54-254 of the general statutes, as amended by
438 this act. The Commissioner of Correction shall transmit the completed
439 registration package to the Commissioner of Public Safety.

440 Sec. 13. This act shall take effect from its passage.

PS **JOINT FAVORABLE SUBST. C/R**

JUD

JUD **JOINT FAVORABLE**

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Indeterminate Cost

Affected Agencies: Departments of Public Safety and Correction

Municipal Impact: None

Explanation**State Impact:**

This bill results in additional costs to the Departments of Public Safety (DPS) and Correction (DOC) that cannot be determined at this time, but that are not anticipated to be significant. The bill makes changes in the state's sexual offender registration statutes by (1) expanding the number of persons who must register, (2) requiring DOC to obtain DNA samples (blood) from persons prior to their release, and (3) making clarifying, technical and conforming changes to the existing sexual offender laws.

It requires DOC to register anyone in the department's custody that has ever had a sexual offense before releasing that offender to the community. Currently, there are approximately 900 inmates incarcerated that have a sexual offense as their primary offense. The department was unable to provide statistics on those offenders who at anytime had a sexual offense, however, it is anticipated that that the increased workload as proposed in the bill can be handled within

existing resources. The department is currently required to take blood samples from certain offenders and register certain inmates as sex offenders upon release.

The costs to DOC of taking a blood sample for DNA determination and sending it to DPS Division of Scientific Services is about \$5.50. The cost to DPS to process the sample and record the results is about \$50. If there were 500 more persons entered into the DNA data bank, the state costs would be \$27,750.

The bill also promotes the state police chauffeur-bodyguard of the lieutenant governor to the rank of sergeant, upon request of the lieutenant governor. The state police officer would maintain this rank until the officer has an opportunity to qualify for the rank following the conclusion of the assignment. There would be no cost at this time because the lieutenant governor's chauffeur-bodyguard is already a sergeant. However, there could be costs in the future. For each such officer that is promoted by the lieutenant governor, the additional cost to DPS could be \$5,000 to \$16,000 per year depending on the salary level of the state trooper. It is anticipated that this can be absorbed within the existing resources of the department.

OLR BILL ANALYSIS*sSB 1377****AN ACT CONCERNING CHANGES TO DEPARTMENT OF PUBLIC SAFETY STATUTES.*****SUMMARY:**

This bill makes several changes to Megan's Law. Among other things, it :

1. requires (a) the Department of Correction (DOC) commissioner to require anyone in his custody for any reason to register as a sex offender if he was ever convicted of a sexual offense triggering registration requirements and (b) offenders to register before the commissioner releases them;
2. modifies the registration requirements for Connecticut-registered sex offenders working or studying out of state and out-of-state registrants working or studying here;
3. allows the court, in certain circumstances, to exempt from registration anyone convicted, or found not guilty by reason of mental disease or defect, of having sex with a known relative;
4. increases the frequency of address verification for certain registered sex offenders;
5. extends the immunity protection state and municipal employees have to DNA and other sex offender registration provisions; and
6. makes other miscellaneous changes.

The bill modifies the circumstances under which people convicted of certain sexual offenses must give a blood sample for DNA analysis.

The bill also allows the public safety commissioner to promote

temporarily to the rank of sergeant a state police officer to serve as the lieutenant governor's chauffeur-bodyguard.

Finally, the bill requires police departments to report family violence incidents involving suicides to the public safety commissioner for publication in the Connecticut Uniform Crime Reports. They must already report family violence incidents involving arrests.

EFFECTIVE DATE: Upon passage

CHANGES TO MEGAN'S LAW

Time When Registration Required

The bill requires offenders in DOC custody who are required to register under the sexual offender registration law to register before they are released. Under current law, they must register within three days following release, or the court may require, in the case of people it finds have committed a felony for a sexual purpose, registration upon their release into the community.

Registration Requirements for Connecticut Residents Working Out of State and Out-of-State Residents Employed Here

Under current law, anyone subject to registration who travels regularly into or in another state or lives temporarily in another state for certain purposes must notify the public safety commissioner and register with an appropriate agency in that state if it has a registration requirement. Similarly, an out-of-state resident registered as a sex offender who travels regularly into or lives in Connecticut temporarily for certain purposes must register here. The purposes triggering registration under current law, include, but are not limited to, employment and schooling. The bill appears to limit the purposes by applying the registration requirement just to an offender who "is employed in," "carries on a vocation in," or "is a student" in the state.

The bill defines "employed" or "carries on a vocation" as full-time or part-time employment for more than 14 days, or for more than 30 days in a calendar year whether financially compensated, volunteered, or for the purpose of government or educational benefit. It defines

student as anyone enrolled full- or part-time in any public or private educational institution, including any secondary school, trade or professional institution, or institution of higher learning.

Registration Exemption Permitted

Current law allows the court to exempt from registration anyone convicted, or found not guilty by reason of mental disease or defect, of (1) having sex with someone between age 13 and 16 if the offender is more than two years older than the victim and (2) fourth-degree sexual contact with someone without her consent. The bill allows the court to also exempt an offender convicted of or found not guilty by reason of mental disease or defect for having sex with a known relative. As with the existing exemptions, the court must find that the offender was under age 19 at the time of the offense and registration is not required for public safety.

Address Verification Requirement

The bill increases the frequency of the address verification of certain sex offenders by requiring the Department of Public Safety (DPS) to verify every registered sex offender's address every 90 days after initial registration. Under current law, DPS must verify the address of (1) people registered for committing a crime against a minor or a felony for sexual purposes annually on the anniversary of the original registration; (2) sexually violent offenders every 90 days, and (3) an offender from another jurisdiction every year or every 90 days depending on the initial registration requirement.

State and Municipal Employees Immunity Expanded

Current law specifies that neither the state nor any of its political subdivisions is civilly liable to any registered sex offender for disclosing registry information following the law's disclosure procedures. Also, except for wanton, reckless, or malicious conduct, state and municipal employees are immune from liability for good faith conduct in notifying government agencies, private organizations, or individuals of registration information that they believe is necessary to protect the public or anyone from a registrant.

The bill immunizes state and municipalities and, (except for wanton, reckless, or malicious actions) state and municipal employees, from all actions they take or fail to take in carrying out the provisions of the sexual offender registration statutes and the statutes governing DNA analysis of blood samples of sexual offenders. With regard to the former, it appears that the immunity would apply to such things as compiling the sex offender registry, disclosing the information in the registry, incorrectly releasing or posting on the Internet the name of someone who is not a sex offender; and failing to verify the addresses of registrants.

With regard to the DNA analysis statutes, the exemption would apply to withdrawing and analyzing blood samples, disseminating information in the DNA databank, and expunging information from the databank. It appears that state employees already have this immunity under the existing general statute that shields employees from liability unless their actions are wanton or negligent.

Department of Correction Responsibility to Require Registration

The bill requires the correction commissioner to require anyone convicted of a offense triggering the registration requirement and who is in his custody for any reason to register. The commissioner must transmit the completed registration package to the public safety commissioner. The offender must maintain the registration in accordance with the law.

Out-of-State Crimes Triggering Registration Requirement

Under current law, anyone convicted, or found not guilty because of mental disease or defect in any other state, federal, or military court or foreign country, of a crime substantially the same as those triggering registration in Connecticut law must register within 10 days of establishing residence in Connecticut. The bill instead requires registration for any crime that requires registration in the other state, federal, or military court or foreign jurisdiction.

Under current law, for purposes of establishing how long the ex-offender must register, the 10-year period is deemed to have begun when he was released into the community in the other jurisdiction.

The bill requires them to register in the manner provided in Connecticut law. (Because the statutes require the offender to register within three days of release or before leaving the DOC custody, it is not clear how this would apply to someone convicted in another jurisdiction.)

The bill also requires the commissioner to maintain the offender's registration until he is released from the registration requirements in such other state, federal, or military court or foreign jurisdiction.

Duty of the Court, DOC, and Psychiatric Review Board to Notify Offender of Registration Requirement

For an unconditionally released sex offender who refuses to register, the court, DOC, or the Psychiatric Security Review Board must advise him that he must register here and, if he travels regularly into or within another state or lives there temporarily for purposes that include employment or schooling, he must register in that state as well. This bill limits this out-of-state travel notification requirement to three situations: when the offender "is employed in," "carries on a vocation in," or "is a student" in the other state.

DNA ANALYSIS

Under current law, anyone convicted of any sexual offense that triggers the registration requirement (see BACKGROUND) and sentenced to DOC custody must give a blood sample for DNA analysis before release. The bill requires the sample from anyone who was ever convicted of any of the offenses and is now in DOC custody.

STATE POLICE PROMOTION

Under current law, the public safety commissioner may promote temporarily to the rank of sergeant two state police officers to serve as his aides and two to serve as the governor's chauffeur-bodyguards. This bill allows him, at the lieutenant governor's request, to promote a fifth officer to serve as the lieutenant governor's chauffeur-bodyguard. By law, promotions must be within budgetary allocations. In all cases, the promoted officer retains his rank until he has the opportunity to qualify at the examination following the completion of his

assignments. If he does not qualify, he returns to his permanent civil service rank.

By law, the officer promoted to serve as the governor's chauffeur-bodyguard serves at the governor's pleasure. Under the bill, the officer promoted to serve as the lieutenant governor's chauffeur-bodyguard serves at her pleasure.

BACKGROUND

Crimes covered by the bill

People must register as sexual offenders if convicted of a crime against a minor, or a nonviolent or violent sexual offense. The court may also require registration if it finds that a crime was committed for a sexual purpose.

The following crimes against a minor trigger the registration requirement:

1. risk of injury to a minor involving having contact with the intimate parts of someone under age 16;
2. first-degree sexual assault involving sexual intercourse with someone under age 13;
3. second-degree sexual assault involving sexual intercourse with (a) someone age 13 to 15, (d) someone under age 18, if the perpetrator is the person's guardian, and (c) a student, if the perpetrator is a school employee;
4. third-degree sexual assault involving sexual intercourse with a relative;
5. fourth-degree sexual assault involving having sexual contact with (a) someone under age 18, if the perpetrator is the person's guardian, and (c) a student, if the perpetrator is a school employee;
6. promoting prostitution with someone under age 16 (first-degree);

7. promoting prostitution with someone age 16 or 17 (second-degree);
8. employing or promoting a minor in an obscene performance; or
9. first- or second-degree kidnapping with or without a firearm, first- or second-degree unlawful restraint, or public indecency when the court finds that the victim is under age 18.

The law defines a sexually violent offense as one of the following crimes:

1. first-degree sexual assault, other than the portion covered under crimes against a minor;
2. first-degree aggravated sexual assault;
3. sexual assault in a spousal or cohabiting relationship;
4. second-degree sexual assault, other than the portion covered under crimes against minors;
5. third-degree sexual, other than the portion covered under crimes against minors;
6. third-degree sexual assault with a firearm;
7. fourth-degree sexual assault, other than the portion covered under crimes against minors;
8. first-degree kidnapping with or without a firearm if the court finds that the offense was committed with the intent of sexually violating or abusing the victim.

A crime is committed for a sexual purpose if the offender committed a felony in order to engage in sexual contact or sexual intercourse with someone without the person's consent.

Related Bill

sHB 7007, which the Judiciary Committee reported favorably, requires

courts to notify crime victims when a sexual offender asks to be exempt from sexual offender registration or asks for a restriction on the public dissemination of his registration information.

COMMITTEE ACTION

Public Safety Committee

Joint Favorable Substitute Change of Reference

Yea 22 Nay 0

Judiciary Committee

Joint Favorable Report

Yea 40 Nay 0